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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-192

13
14 **TERI ANN RAIA,**
15 **a.k.a. TERI ANN MERTES,**
16 **a.k.a. TERI ANN SHARBAF**
13103 Moorpark Street, Unit A
Sherman Oaks, CA 91423

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 Registered Nurse License No. 429644

18 Respondent.
19

20 **FINDINGS OF FACT**

21 1. On or about September 13, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs, filed Accusation No. 2013-192 against Teri Ann Raia, a.k.a. Teri Ann Mertes,
24 a.k.a. Teri Ann Sharbaf (Respondent) before the Board of Registered Nursing. (Accusation
25 attached as **Exhibit A.**)

26 2. On or about August 31, 1988, the Board of Registered Nursing (Board) issued
27 Registered Nurse License No. 429644 to Respondent. The Registered Nurse License expired on
28 October 31, 2011, and has not been renewed.

1 3. On or about September 13, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2013-192, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 13103 Moorpark Street, Unit A, Sherman Oaks, CA
7 91423.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
10 124.

11 5. On or about October 30, 2012, the aforementioned documents were returned by the
12 U.S. Postal Service marked "*Unclaimed*." The address on the documents was the same as the
13 address on file with the Board. Respondent failed to maintain an updated address with the Board
14 and the Board has made attempts to serve the Respondent at the address on file. Respondent has
15 not made herself available for service and therefore, has not availed herself of her right to file a
16 notice of defense and appear at hearing.

17 6. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
23 192.

24 8. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions
27 or upon other evidence and affidavits may be used as evidence without any notice to
28 respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-192, finds that the charges and allegations in Accusation No. 2013-192, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$ 8,858.75 as of October 24, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Teri Ann Raia, a.k.a. Teri Ann Mertes, a.k.a. Teri Ann Sharbaf has subjected her Registered Nurse License No. 429644 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

A. Respondent is subject to disciplinary action under Business and Professions Code section 2761, subdivision (a), on grounds of unprofessional conduct, as defined in Business and Professions Code section 2762, subdivision (a), for violating Health and Safety Code sections 11173 , subdivision (a) and/or 11350 subdivision (a) in that while employed and on duty as a registered nurse at Huntington Hospital in Pasadena, CA, between approximately November 2, 2009, and March 8, 2010, Respondent illegally obtained or possessed controlled substances and dangerous drugs, by use of fraud, deceit, misrepresentation and/or subterfuge on multiple occasions, as follows:

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1 (1) PATIENT # 504 (November 2, 2009)

2 (a) Medical records, summarized below, disclose that on November 2, 2009,
3 Respondent removed one tablet of Vicodin for Patient # 504 at 15:53 (3:53 P.M.).
4 There is no entry on the MAR or the nursing notes documenting administration to
5 the patient, leaving one tablet of Vicodin unaccounted for.

6 (b) The record additionally discloses that on the same date, Respondent
7 removed a single tablet of Vicodin for Patient # 504 at 18:42 (6:42 P.M.) – but
8 documented administration nearly 3 hours later – at 21:26 (9:26 P.M.).

9 (2) PATIENT # 490 (November 5, 9, 17, 2009)

10 (a) Medical records, summarized below, disclose that on November 5, 2009,
11 Respondent removed one tablet of Vicodin for Patient #490 at 16:13 (4:13 P.M.)
12 There is no entry on the MAR or the nursing notes documenting administration to
13 the patient, leaving one tablet of Vicodin unaccounted for.

14 (b) Medical records, further disclose that on November 9, 2009, Respondent
15 removed one tablet of Vicodin for Patient #490 at 16:03 (4:03 P.M.) There is no
16 entry on the MAR or the nursing notes documenting administration to the patient,
17 leaving one tablet of Vicodin unaccounted for.

18 (c) Medical records, further disclose that on November 17, 2009, Respondent
19 removed one tablet of Vicodin for Patient #490 at 20:34 (8:34 P.M.) There is no
20 entry on the MAR or the nursing notes documenting administration to the patient,
21 leaving one tablet of Vicodin unaccounted for.

22 (d) A total of 3 tablets of Vicodin 5 mg are unaccountable for the referenced
23 dates.

24 (3) PATIENT #656 (November 16, 2009)

25 (a) Medical records, summarized below, disclose that November 16, 2009,
26 Respondent removed one tablet of Vicodin for Patient #656 at 20:37 (8:37 P.M.).
27 There is no entry on the MAR or the nursing notes documenting administration to
28 the patient, leaving one tablet of Vicodin unaccounted for.

(4) PATIENT #376 (December 10, 2009)

(a) Medical records, summarized below, disclose that on December 10, 2009,
Respondent removed two tablets of Tylenol with Codeine for Patient #376 at 20:17
(8:17 P.M.) There is no entry on the MAR or the nursing documenting

administration to the patient, leaving two tablets of Tylenol with Codeine unaccounted for.

(5) PATIENT #527 (February 3, 8 and 9, 2010; March 3 and 8, 2010)

(a) Medical records, summarized below, disclose that on February 3, 2010, Respondent removed one tablet of Vicodin for Patient #527 at 19:46 (7:46 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Vicodin unaccounted for.

(b) Medical records, further disclose that on March 3, 2010, Respondent removed two tablets of Vicodin for Patient #527 at 19:37 (7:37 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving two tablets of Vicodin unaccounted for.

(c) Medical records further, disclose that on March 8, 2010, Respondent removed two tablets of Vicodin for Patient #527 at 17:59 (5:59 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving two tablets of Vicodin unaccounted for.

(d) Medical records further, disclose that on February 8, 2010, Respondent removed one tablet of Ativan for Patient #527 at 20:20 (8:20 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Ativan unaccounted for.

(e) Medical records summarized below, disclose that on February 9, 2010, Respondent removed one tablet of Ativan for Patient #527 at 16:18 (4:18 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Ativan unaccounted for.

(f) A total of 5 Vicodin 5 mg tablets and 2 Ativan 1 mg tablets are unaccountable for the referenced dates.

(g) The record additionally discloses that on February 9, 2010, Respondent removed a single tablet of Ativan for patient #527 at 19:56 (7:56 P.M.) but documented administration about 1 1/2 hours later at 21:30 (9:30 P.M.)

(6) PATIENT #186 (February 6, 2010)

(a) Medical records, summarized below, disclose that on February 6, 2010, Respondent removed two tablets of Vicodin for Patient #186 at 16:03 (4:03 P.M.). However, the MAR and nursing notes documenting administration of only one

1 tablet to the patient, leaving one tablet of Vicodin unaccounted for.

2 (b) Medical records further disclosed that a few minutes later, at 16:04 (4:04
3 P.M.) Respondent removed two more tablets of Vicodin for Patient #186. There is
4 no entry on the MAR or the nursing notes documenting administration to the
5 patient, leaving two tablets of Vicodin unaccounted for.

6 (c) A total of 3 Vicodin 5 mg tablets are unaccountable for the referenced date.

7 (d) The record additionally discloses that on February 6, 2010, Respondent
8 removed another Vicodin tablet for this patient at 19:04 (7:04 P.M.) but documented
9 administration about 2 hours later at 20:59 (8:59 P.M.).

10 (7) PATIENT #1679 (March 2, 2010)

11 (a) Medical records, summarized below, disclose that on March 2, 2010,
12 Respondent removed two tablets of Vicodin for Patient #1679 at 18:50 (6:50 P.M.).
13 However, the MAR and nursing notes documented administration of only one
14 tablet to the patient, leaving one tablet of Vicodin unaccounted for.

15 **B.** Respondent is subject to disciplinary action under Business and
16 Professions Code section 2761, subdivisions (a) and (d) on grounds of unprofessional
17 conduct, as defined in Business and Professions Code section 2762, subdivision (e) for
18 violating Health and Safety Code section sections 11350 subdivisions (a) and 11173,
19 subdivisions (a) and (b), in that while employed as a registered nurse at Huntington
20 Hospital between approximately November 2, 2009, and March 2, 2010, Respondent
21 falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital
22 records of seven (7) patients pertaining to controlled substances and dangerous drugs as
23 more fully described above in sub-paragraph 3-A.

24 **C.** Respondent is subject to disciplinary actions under Business and
25 Professions Code sections 2761, subdivision (a) on grounds of unprofessional conduct, in
26 that Respondent committed unprofessional conduct while employed and on duty as a
27 registered nurse at Huntington Hospital in Pasadena, CA. between approximately
28 November 2, 2009, and March 8, 2010, while assigned to provide nursing care to patients
No. 376, 504, 490, 656, 527, 186, and 1679 by reason of acts described more fully in sub-
paragraph 3- A above.

D. Following her termination from Huntington Hospital for events described in the accusation, Respondent enrolled in the Board's diversion program. On October 13, 2011, she was terminated unsuccessfully from the diversion program. The Board expressly finds that Respondent's unsuccessful termination in October 2011 from the Board's diversion program is a factor in aggravation of penalty.

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ORDER

IT IS ORDERED that Registered Nurse License No. 429644, heretofore issued to Respondent Teri Ann Raia, a.k.a. Teri Ann Mertes, a.k.a. Teri Ann Sharbaf, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 8, 2013.

It is so ORDERED February 8, 2013


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

default decision_LIC.rtf
DOJ Matter ID:LA2012602048

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 GREGORY J. SALUTE
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3 SUSAN MELTON WILSON
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-192

13 **TERI ANN RAI,**
14 **a.k.a. TERI ANN MERTES,**
a.k.a. TERI ANN SHARBAF
15 13103 Moorpark Street, Unit A
Sherman Oaks, CA 91423

ACCUSATION

16 Registered Nurse License No. 429644

17 Respondent.

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19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about August 31, 1988, the Board of Registered Nursing issued Registered
26 Nurse License Number 429644 to Teri Ann Raia, a.k.a. Teri Ann Mertes, a.k.a. Teri Ann Sharbaf
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant
28 herein, expired on October 31, 2011, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board),
~~Department of Consumer Affairs, under the authority of the following laws. All section~~
references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

. . .

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

. . .

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 2770.11 of the Code provides:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by the committee and approved by the program manager. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If the program manager determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement

1 program. The board may use any of the records it receives under this subdivision in any
2 disciplinary proceeding."

3 ~~10. Health and Safety Code Section 11173 provides:~~

4 "(a). No person shall obtain or attempt to obtain controlled substances, or procure or
5 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
6 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

7

8 11. Health and Safety Code Section 11350 provides:

9 "(a) Except as otherwise provided in this division, every person who possesses (1) any
10 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
11 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
12 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
13 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
14 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
15 licensed to practice in this state, shall be punished by imprisonment in the state prison.

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17 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request
18 the administrative law judge to direct a licensee found to have committed a violation or
19 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
20 and enforcement of the case.

21 DEFINITIONS

22 13. Vicodin - is a Schedule II controlled substance pursuant to Health and Safety
23 Code Section 11056 and is a dangerous drug within the meaning of Business and Professions
24 Code section 4022, subdivision (a). Vicodin is a brand name for the narcotic hydrocodone
25 bitartrate or dihydrocodeinone combined with the non-narcotic acetaminophen. It is used for the
26 relief of severe pain.

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1 14. Ativan - A Schedule IV controlled substance pursuant to Health and Safety Code
2 Section 11057. Ativan is a brand name for Lorazepam. It is a benzodiazepine used for the relief
3 of anxiety, panic attacks and chronic sleeplessness.

4 15. Tylenol with Codeine - a Schedule III controlled substance pursuant to Health
5 and Safety Code Section 11056. It is a combination of acetaminophen and codeine phosphate. It
6 is a narcotic used for the relief of moderate to moderately severe pain.

7 16. Pyxis System - The Pyxis System is a computerized automated medication
8 dispensing system, which operates similarly to an Automated Teller Machine (ATM) at a bank.
9 The Pyxis medication dispensing machines are serviced by the facility's pharmacy. Medications
10 are placed in the Pyxis machines, which are usually stationed throughout the hospital. These
11 medications can only be accessed, or withdrawn by an authorized staff person using their own
12 unique personalized access code. Each medical professional at the hospital is assigned an account
13 number and a "one time only" access code number. The access code number allows the
14 individual to access the Pyxis System only one time. Upon making this initial access, the Pyxis
15 System prompts the individual to enter his or her own unique access number or PIN code. The
16 Pyxis System will not permit the use of a PIN code that has been used by any former employee,
17 or is being used by any other current employee. After entering their own unique PIN code and
18 each time the Pyxis System is accessed using that PIN code, the person making access is
19 identified and a database record of the transaction is made; which is similar to the ATM
20 withdrawal of funds from a bank account. The Pyxis System specifically records the following:

21 1) The identities of medical personnel, who have accessed the identified medications.
22 2) The identities of the patients that the medications were allegedly withdrawn on behalf of
23 and administered to.

24 3) The date/time the medications were withdrawn by the identified employee.

25 The Pyxis System in response to the employee's drug withdrawals then updates the
26 hospital's pharmacy inventory for each particular medication withdrawn. The Pyxis System
27 records the time and date of access, and is able to provide a record of the drugs being accessed by
28 the employee via the patient's name, the patient's ID number; the identity of the medical facility's

1 employee making access; the name and quantity of the drug accessed; and location of the
2 particular Pyxis unit accessed.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Obtaining Controlled Substances by Fraud, Deceit, Misrepresentation or Subterfuge)**

5 17. Respondent is subject to disciplinary action under Business and Professions Code
6 section 2761, subdivision (a), on grounds of unprofessional conduct, as defined in Business and
7 Professions Code section 2762, subdivision (a), for violating Health and Safety Code sections
8 11173, subdivision (a) and/or 11350 subdivision (a) in that while employed and on duty as a
9 registered nurse at Huntington Hospital in Pasadena, CA, between approximately November 2,
10 2009, and March 8, 2010, Respondent illegally obtained or possessed controlled substances and
11 dangerous drugs, by use of fraud, deceit, misrepresentation and/or subterfuge on multiple
12 occasions, as follows:

13 (1) **PATIENT # 504** (November 2, 2009)

14 (a) Medical records, summarized below, disclose that on November 2,
15 2009, Respondent removed one tablet of Vicodin for Patient # 504 at 15:53 (3:53 P.M.).
16 There is no entry on the MAR or the nursing notes documenting administration to the
17 patient, leaving one tablet of Vicodin unaccounted for.

18 (b) The record additionally discloses that on the same date, Respondent
19 removed a single tablet of Vicodin for Patient # 504 at 18:42 (6:42 P.M.) – but
20 documented administration nearly 3 hours later – at 21:26 (9:26 P.M.).

21 **SUMMARY OF MEDICATION RECORD - Patient # 504**

<u>PHYSICIAN'S ORDER RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION ADMINISTRATION REPORT</u>
10-13-09 Hydrocodone/APAP (Vicodin) 5mg/500 mg Dose: Tab POQ6HR	11-02-09 1 Vicodin tablet withdrawn by Raia at 15:53:00	11-02-09 <i>No Record</i> of 1 Vicodin tablet administered to patient or wasted on or about 15:53:00
	11-02-09 1 Vicodin tablet withdrawn by Raia at 18:42:58	11-02-09 Record of 1 Vicodin tablet administered to patient at 21:26

(2) **PATIENT # 490** (November 5, 9, 17, 2009)

(a) Medical records, summarized below, disclose that on November 5, 2009, Respondent removed one tablet of Vicodin for Patient #490 at 16:13 (4:13 P.M.) There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Vicodin unaccounted for.

(b) Medical records, further disclose that on November 9, 2009, Respondent removed one tablet of Vicodin for Patient #490 at 16:03 (4:03 P.M.) There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Vicodin unaccounted for.

(c) Medical records, further disclose that on November 17, 2009, Respondent removed one tablet of Vicodin for Patient #490 at 20:34 (8:34 P.M.) There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Vicodin unaccounted for.

(d) A total of 3 tablets of Vicodin 5 mg are unaccountable for the referenced dates.

SUMMARY OF MEDICATION RECORD – Patient #490

<u>PHYSICIAN'S ORDER RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION ADMINISTRATION REPORT</u>
10-30-09 Hydrocodone/Acetam (Vicodin) 5mg/500mg Dose: 1 Tablet PO Q4HR PRN	11-05-09 1 Vicodin tablet withdrawn by Raia at 16:13:49	11-05-09 <i>No record</i> of 1 Vicodin tablet administered to patient or wasted on or about 16:13:49
	11-05-09 1 Vicodin tablet withdrawn by Raia at 20:48:25	11-05-09 Record of 1 Vicodin tablet administered to patient at 21:30
	11-09-09 1 Vicodin tablet withdrawn by Raia at 16:03:13	11-09-09 <i>No record</i> of 1 Vicodin tablet administered to patient or wasted on or about 16:13:49

11-09-09 1 Vicodin tablet withdrawn by Raia at 20:49:43	11-09-09 Record of 1 Vicodin tablet administered to patient at 21:00
11-17-09 1 Vicodin tablet withdrawn by Raia at 16:33:57	11-17-09 Record of 1 Vicodin tablet administered to patient at 17:00
11-17-09 1 Vicodin tablet withdrawn by Raia at 20:34:18	11-17-09 <i>No record</i> of 1 Vicodin tablet administered to patient or wasted on or about 20:34:18

(3) **PATIENT #656** (November 16, 2009)

(a) Medical records, summarized below, disclose that November 16, 2009, Respondent removed one tablet of Vicodin for Patient #656 at 20:37 (8:37 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Vicodin unaccounted for.

SUMMARY OF MEDICATION RECORD – Patient #656

<u>PHYSICIAN'S ORDER RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION ADMINISTRATION REPORT</u>
11-10-09 Hydrocodone/Acetam (Vicodin) 5mg/500mg Dose: 1 tablet PO Q4H PRN	11-16-09 1 Vicodin tablet withdrawn by Raia at 17:08:22	11-16-09 Record of 1 Vicodin tablet administered to patient at 17:10
	11-16-09 1 Vicodin tablet withdrawn by Raia at 20:37:58	11-16-09 <i>No record</i> of 1 Vicodin tablet administered to patient or wasted on or about 20:37:58

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(4) PATIENT #376 (December 10, 2009)

(a) Medical records, summarized below, disclose that on December 10, 2009, Respondent removed two tablets of Tylenol with Codeine for Patient #376 at 20:17 (8:17 P.M.) There is no entry on the MAR or the nursing documenting administration to the patient, leaving two tablets of Tylenol with Codeine unaccounted for.

SUMMARY OF MEDICATION RECORD – Patient #376		
<u>PHYSICIAN'S ORDER RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION ADMINISTRATION REPORT</u>
12-02-09 Codeine Phos/APAP (Tylenol #3) Dose: 1 Tablet PO Q4H PRN	12-10-09 2 Tylenol #3 tablets withdrawn by Raia at 20:17:03	12-10-09 <i>No record</i> of 2 Tylenol #3 tablets administered to patient or wasted

(5) PATIENT #527 (February 3, 8 and 9, 2010; March 3 and 8, 2010)

(a) Medical records, summarized below, disclose that on February 3, 2010, Respondent removed one tablet of Vicodin for Patient #527 at 19:46 (7:46 P.M.) There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Vicodin unaccounted for.

(b) Medical records, further disclose that on March 3, 2010, Respondent removed two tablets of Vicodin for Patient #527 at 19:37 (7:37 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving two tablets of Vicodin unaccounted for.

(c) Medical records further, disclose that on March 8, 2010, Respondent removed two tablets of Vicodin for Patient #527 at 17:59 (5:59 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving two tablets of Vicodin unaccounted for.

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(d) Medical records further, disclose that on February 8, 2010, Respondent removed one tablet of Ativan for Patient #527 at 20:20 (8:20 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Ativan unaccounted for.

(e) Medical records summarized below, disclose that on February 9, 2010, Respondent removed one tablet of Ativan for Patient #527 at 16:18 (4:18 P.M.). There is no entry on the MAR or the nursing notes documenting administration to the patient, leaving one tablet of Ativan unaccounted for.

(f) A total of 5 Vicodin 5 mg tablets and 2 Ativan 1 mg tablets are unaccountable for the referenced dates.

(g) The record additionally discloses that on February 9, 2010, Respondent removed a single tablet of Ativan for patient #527 at 19:56 (7:56 P.M.) but documented administration about 1 1/2 hours later at 21:30 (9:30 P.M.)

SUMMARY OF MEDICATION – Patient #527

<u>PHYSICIAN'S ORDER</u> <u>RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION</u> <u>ADMINISTRATION</u>
01-23-10 Hydrocodone/Acetam (Vicodin) 5mg/500mg Dose: 1 table PO Q4H PRN	02-03-10 1 Vicodin tablet withdrawn by Raia at 16:14:17	02-03-10 Record of 1 Vicodin tablet administered to patient at 17:00
	02-03-10 1 Vicodin tablet withdrawn by Raia at 19:46:38	02-03-10 <i>No record</i> of 1 Vicodin tablet administered to patient or wasted on or about 19:46:38
Hydrocodone/Acetam (Vicodin) 5mg/500mg	03-03-10 2 Vicodin tablets withdrawn by Raia at 19:37:58	03-03-10 <i>No record</i> of 2 Vicodin tablets administered to patient or wasted on or about 19:37:58
	03-08-10 2 Vicodin tablets withdrawn by Raia 17:59	03-08-10 <i>No record</i> of 2 Vicodin tablets administered to patient or wasted

1 2 3	Lorazepam (Ativan) 1 mg tablet	02-08-10 1 Ativan tablet withdrawn by Raia at 20:20:03	02-08-10 <i>No record</i> of 1 Ativan tablet administered to patient or wasted on or about 20:20:03
4 5 6		02-09-10 1 Ativan tablet withdrawn by Raia at 16:18:55 02-09-10	02-09-10 <i>No Record</i> of 1 Ativan tablet administered to patient or wasted on or about 16:18:55
7 8		1 Ativan tablet withdrawn by Raia at 19:56:13	02-09-10 Record of 1 Ativan tablet administered to patient at 21:30

(6) **PATIENT #186** (February 6, 2010)

(a) Medical records, summarized below, disclose that on February 6, 2010, Respondent removed two tablets of Vicodin for Patient #186 at 16:03 (4:03 P.M.). However, the MAR and nursing notes documenting administration of only one tablet to the patient, **leaving one tablet of Vicodin unaccounted for.**

(b) Medical records further disclosed that a few minutes later, at 16:04 (4:04 P.M.) Respondent removed two more tablets of Vicodin for Patient #186. There is no entry on the MAR or the nursing notes documenting administration to the patient, **leaving two tablets of Vicodin unaccounted for.**

(c) A total of 3 Vicodin 5 mg tablets are unaccountable for the referenced date.

(d) The record additionally discloses that on February 6, 2010, Respondent removed another Vicodin tablet for this patient at 19:04 (7:04 P.M.) but documented administration about 2 hours later at 20:59 (8:59 P.M.).

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SUMMARY OF MEDICATION RECORD - Patient #186

<u>PHYSICIAN'S ORDER RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION ADMINISTRATION REPORT</u>
01-29-10 Hydrocodone/Acetam (Vicodin) 5 mg/500 mg Dose: 2 Tablets PO Q4HR PRN	02-06-10 2 Vicodin tablets withdrawn by Raia at 16:03:36	02-06-10 Record of 1 Vicodin tablet administered to patient at 16:30
	02-06-10 2 Vicodin tablets withdrawn by Raia at 16:04:18	02-06-10 No Record of 2 Vicodin tablets administered to patient or wasted on or about 16:04:18
	02-06-10 1 Vicodin tablet withdrawn by Raia at 19:04:36	02-06-10 Record of 1 Vicodin tablet administered to patient at 20:59

(7). PATIENT #1679 (March 2, 2010)

(a) Medical records, summarized below, disclose that on March 2, 2010, Respondent removed two tablets of Vicodin for Patient #1679 at 18:50 (6:50 P.M.). However, the MAR and nursing notes documented administration of only one tablet to the patient, leaving one tablet of Vicodin unaccounted for.

SUMMARY OF MEDICATION RECORD - Patient #1679

<u>PHYSICIAN'S ORDER RECORDS</u>	<u>ACTIVITY REPORT</u>	<u>MEDICATION ADMINISTRATION REPORT</u>
2-27-10 Hydrocodone/Acetam (Vicodin) 5mg/500mg Dose: 1 tablet PO Q6HR PRN	3-02-10 2 Vicodin tablets withdrawn by Raia at 18:50	3-02-10 Record of 1 Vicodin tablet administered to patient

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Falsified Hospital Records)**

3 18. Respondent is subject to disciplinary action under Business and Professions Code
4 section 2761, subdivisions (a) and (d) on grounds of unprofessional conduct, as defined in
5 Business and Professions Code section 2762, subdivision (e) for violating Health and Safety Code
6 section sections 11350 subdivisions (a) and 11173, subdivisions (a) and (b), in that while
7 employed as a registered nurse at Huntington Hospital between approximately November 2,
8 2009, and March 2, 2010, Respondent falsified, made grossly incorrect, grossly inconsistent, or
9 unintelligible entries in hospital records of seven (7) patients pertaining to controlled substances
10 and dangerous drugs as more fully described in paragraph 17 above.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 19. Respondent is subject to disciplinary actions under Business and Professions Code
14 sections 2761, subdivision (a) on grounds of unprofessional conduct, in that Respondent
15 committed unprofessional conduct while employed and on duty as a registered nurse at
16 Huntington Hospital in Pasadena, CA. between approximately November 2, 2009, and March 8,
17 2010, while assigned to provide nursing care to patients No. 376, 504, 490, 656, 527, 186, and
18 1679 by reason of acts, described more fully in paragraph 17 above.

19 **OTHER MATTERS**

20 20. In order to determine the degree of discipline, if any, to be imposed on
21 Respondents, Complainant alleges as follows:

22 a. Following her termination from Huntington Hospital for events which are the
23 subject of this accusation, Respondent enrolled in the Board's diversion program. On October 13,
24 2011, she was terminated unsuccessfully from the diversion program.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Registered Nursing issue a decision:
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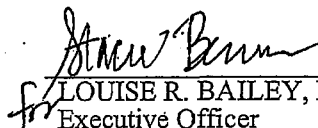
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1. Revoking or suspending Registered Nurse License Number 429644, issued to Teri Ann Raia, a.k.a. Teri Ann Mertes, a.k.a. Teri Ann Sharbaf;

2. Ordering Teri Ann Raia to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: September 13, 2012



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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